

Remarks

Claims 381-386, 392-394, 398-400, 402-406, 413, 415, 419-434, 448-450 and 453 are currently pending in the Application, Claims 467-479 are newly presented herein and Claims 382-386, 392-394, 398-400, 402-406, 413, 415, 419-434, 448-450 and 453 are herein canceled without prejudice.

Allowable claims

Applicants acknowledge with gratitude the Examiner's indication of allowability as to Claim 382.

New claims

This response adds new Claims 467-479 to more completely claim the invention.

35 U.S.C. §112, second paragraph, rejection

Claims 381-394, 406, 417, 419-428, 430-431, 435, 442-466 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

With respect to Claim 381, the Examiner asserts that Claim 381 is unclear because the terminology "IP communication line" is not commonly used in packet networks.

Applicants submit that the Examiner has **not** established a *prima facie* case of Claim 381 being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants note that

"Definiteness of claim language must be analyzed, not in a vacuum, but in light of: A) The content of the particular application disclosure; B) The teachings of the prior art; and C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made." See MPEP §2173.02.

Because the Examiner concedes that the term “communication line” is confusing (p. 18, section 24), the Examiner should have analyzed the definiteness of Claim 381 language in light of the content of the specification as required by MPEP §2173.02.

“In rejecting a claim under the second paragraph of 35 U.S.C. 112, it is incumbent on the Examiner to establish that one of ordinary skill in the pertinent art, when reading the claims in light of the supporting specification, would not have been able to ascertain with a reasonable degree of precision and particularity the particular area set out and circumscribed by the claims.” See *Ex parte Wu*, 10 USPQ2d 2031, 2033 (B.P.A.I. 1989).

Applicants respectfully submit that Examiner has improperly alleged that the term “IP communication line” is unclear (p. 2, section 2). Applicants note that the Examiner has not fully considered, by way of an example and not of limitation, paragraph [0832] of the specification. Applicants submit that one of ordinary skill in the pertinent art, when reading the Claim 381 in light of paragraph [0832] of the specification, would find the term “IP communication line” as recited in Claim 381 to be clear. According to the paragraph [0832] of the specification the “IP communication lines employed in the terminal-to-terminal connection control correspond to a line of a common line signal network of a switched communication network, whereas the communication lines used in the voice communication correspond to a voice communication line of a switched communication network.”

Applicants submit that one skilled in the art when reading the term “IP communication line” as recited in Claim 381 in light of paragraph [0832] of the specification would **not** find the term “IP communication line” unclear.

Applicants submit that the Examiner has **not**, at least, analyzed the definiteness of Claim 381 language in light of the content of the specification. Hence the Examiner has **not** established a *prima facie* case of Claim 381 being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention

and Applicants respectfully request that the 35 U.S.C. § 112, second paragraph, rejection be withdrawn.

35 U.S.C. §103(a) rejections

Applicants acknowledge with gratitude the Examiner's indication of allowability as to Claim 382. Applicants traverse the Examiner's rejection of Claims 381, 383-386, 392-394, 398-400, 402-406, 413, 415, 419-434, 448-450 and 453 and disagree that these claims are obvious in view of the cited art. However, in the interest of moving this application to issue, Applicants have amended Claim 381 to recite features of Claim 382 found patentable by the Examiner in the Office Action and cancelled claims 382-386, 392-394, 398-400, 402-406, 413, 415, 419-434, 448-450 and 453 without prejudice, expressly reserving the right to present these or any other rejected claims or claims directed to other disclosed subject matter in a future divisional or continuation application.

Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.


I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment Commissioner for Patents POB 1450, Alexandria, VA 22313-1450 on

February 16, 2007

(Date of Deposit)

Stefanie Pallan

(Name of Person Signing)



(Signature)

February 16, 2007

(Date)

Respectfully submitted,



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Encls:

Petition for one-month extension of time
and extension fee;
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